

Remarks

Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claim 31 has been amended to more clearly define the invention. No new matter has been added, as this amendment is fully supported in the originally filed specification and figures. Attached hereto is a marked up version illustrating the changes made herein.

Applicants respectfully traverse the Examiner's rejection of claims 31-32 under 35 USC § 112, second paragraph, as indefinite. Claim 31 has been amended to resolve the antecedent difficulties noted by the Examiner. With respect to claim 32, Applicants note that Figure 21A (for example) clearly shows a frame (342) that is disposed on the proximally opening mouth of the filter (344). While the frame (342) is disposed about the wire (346), the frame (342) is not attached to the wire (346) and thus the frame can be slideably disposed about the elongate member, as recited in claim 32. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 31-36 under 35 USC § 102(e) as anticipated by Cano et al., U.S. Patent No. 5,779,716 (hereinafter Cano). In order to anticipate, the cited reference must disclose each and every element of the claimed invention. Cano fails to do so.

Claim 31 describes an emboli capturing system that includes an elongate member and a flexible emboli capturing device mounted thereto. The flexible emboli capturing device has a distal end and a proximally opening mouth. The distal end of the capturing device is attached at its distal end to the distal end of the elongate member and extends proximally over the elongate member to form the proximally opening mouth.

Cano simply does not describe the claimed invention. Rather, Cano describes a device for removing objects from various body cavities. In particular, Cano describes a wire frame that is mounted to the distal end of an elongate member. A sack is mounted to the wire frame. While the sack does have a proximally opening mouth, Applicants respectfully note that the sack does not extend proximally over the elongate member. Rather, the sack extends distally. The sack is not mounted at its distal end to the elongate member.

Moreover, Cano describes a sack that is formed from materials such as polyurethane or woven polyester fabrics. Cano does not appear to be concerned with permitting blood to flow through the sack, and therefore does not appear to describe a filter or other such structure that would be suitable as a flexible emboli capturing device. One of skill will recognize that capturing emboli typically refers to capturing emboli within a blood flow.

Thus, for at least these reasons, Cano fails to disclose each and every claimed limitation and therefore fails to anticipate the claimed invention. Favorable reconsideration is respectfully requested.

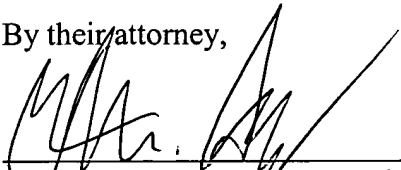
In view of the amendments and comments presented herein, favorable reconsideration in the form of a Notice of Allowance is respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

JOHN M. K. DANIEL ET AL.

By their attorney,

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Glenn M. Seager, Reg. No. 36,926
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55402-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349



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